


AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES		

**MASUDI SAID SELEMANI**

**V.**

**UNITED REPUBLIC OF TANZANIA**

**APPLICATION NO. 042/2019**

**CASE SUMMARY**

## **I. PARTIES**

1. The Applicant, Masudi Said Selemani, is incarcerated at Lilungu Prison in Mtwara following his conviction for murder and sentencing to death. He challenges the proceeding in the national courts which led to his conviction.
2. The Respondent State became a Party to the African Charter on Human and Peoples' Rights (hereinafter referred to as the "the Charter") on 21 October 1986 and the Protocol on the 10 February 2006. It deposited, on 29 March 2010, the Declaration under Article 34(6) of the Protocol through which it accepts the jurisdiction of the Court to receive cases from individuals and Non-Governmental Organisations. On 21 November 2019, the Respondent State deposited, with the Chairperson of the African Union Commission, an instrument withdrawing its Declaration. The Court has held that this withdrawal will have no bearing on pending cases and will only take effect one year after its filing, namely, 22 November 2020.<sup>1</sup>

## **II. SUBJECT OF THE APPLICATION**

### **A. Facts of the matter**

3. The Applicant states that on 15 May 2013 he was convicted of murder according to Section 196 of the Penal Code and was sentenced to death by the High Court of Tanzania in Mtwara.
4. The Applicant states that being dissatisfied with the conviction and sentence from the High Court, he appealed to the Court of Appeal at Mtwara in Criminal Appeal No.162 of 2013 which dismissed the appeal entirely on 22 November 2014.

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<sup>1</sup> *Andrew Ambrose Cheusi v. United Republic of Tanzania*, ACtHPR, Application No. 004/2015, Judgment of 26 June 2020 (merits and reparations) §§ 37-39.

5. The Applicant claims that the Respondent State failed to respect his right to a fair trial; that the procedure and evidence obtained by the national courts was grossly erroneous. He further states that he was not provided with legal representation by counsel of his choice.

### **B. Alleged violations**

6. The Applicant alleges that the Respondent is in violation of Articles 1, 3(1) and (2), 5 and 7 (1) (c) of the Charter.

### **III. APPLICANT'S PRAYERS**

7. The Applicant seeks the following relief from the Court:
  - i. A declaration that the Respondent violated his rights under Articles 1, 3(1) and (2) and 7(1)(c) of the Charter.
  - ii. An order compelling the release of the Applicant from prison.
  - iii. An order to quash and set aside the death sentence.